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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

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5 THOMAS M. MOROUGHAN,

6 Plaintiff,

7 Docket No.  
8 12-CV-0512

9 -against-

10 THE COUNTY OF SUFFOLK, SUFFOLK COUNTY POLICE  
11 DEPARTMENT, SUFFOLK DETECTIVES RONALD TAVARES,  
12 CHARLES LESER, EUGENE GEISSINGER, NICHOLAS  
13 FAVATTA, and ALFRED CICCOTTO, DETECTIVE/SGT.  
14 WILLIAM J. LAMB, SGT. JACK SMITHERS, SUFFOLK  
15 POLICE OFFICERS WILLIAM MEANEY, JESUS FAYA and  
16 SUFFOLK JOHN DOES 1-10, THE COUNTY OF NASSAU,  
17 NASSAU COUNTY POLICE DEPARTMENT, SGT. TIMOTHY  
18 MARINACI, DEPUTY CHIEF OF PATROL JOHN HUNTER,  
19 INSPECTOR EDMUND HORACE, COMMANDING OFFICER DANIEL  
20 FLANAGAN, DETECTIVE/SGT. JOHN DEMARTINIS, NASSAU  
21 POLICE OFFICERS ANTHONY D. DILEONARDO, EDWARD  
22 BIENZ and JOHN DOES 11-20,

23 Defendants.

24 -----x

25 333 Earle Ovington Boulevard  
Uniondale, New York

December 2, 2015  
10:20 a.m.

(CAPTION CONTINUED ON NEXT PAGE.)

Rich Moffett Court Reporting, Inc.  
114 Old Country Road, Suite 630  
Mineola, New York 11501  
516-280-4664

Examination Before Trial of the  
Defendant, EDWARD BIENZ, pursuant to  
Order, before Rich Moffett, a Notary  
Public of the State of New York.

A P P E A R A N C E S:

LAW OFFICE OF ANTHONY M. GRANDINETTE  
Attorney for Plaintiff

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Mineola, New York 11501

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MIREL FISCH, ESQ.

SUFFOLK COUNTY DISTRICT ATTORNEY  
Attorneys for Defendants

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Department, et al.

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Attorneys for Defendants

The County of Nassau, Nassau County Police  
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Edmund Horace, Commanding Officer Daniel  
Flanagan, Detective/Sgt. John Demartinis,  
Nassau Police Officer Edward Bienz

120 Wall St, Suite 2220  
New York, New York 10005

BY: CHRISTOPHER DELAMERE CLARKE, ESQ.

A P P E A R A N C E S (Continued):

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333 Earle Ovington Boulevard

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BY: BRUCE BARKET, ESQ.

(Not Present)

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND  
AGREED by and between the attorneys  
for the respective parties herein,  
that the filing, sealing and  
certification of the within deposition  
be waived.

IT IS FURTHER STIPULATED AND  
AGREED that all objections, except  
as to the form of the question,  
shall be reserved to the time of the  
trial.

IT IS FURTHER STIPULATED AND  
AGREED that the within deposition  
may be sworn to and signed before  
any officer authorized to administer  
an oath with the same force and effect  
as if signed and sworn to before the  
Court.

- oOo -

Edward Bienz

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EDWARD BIENZ, called as a  
witness, having been duly sworn by a  
Notary Public, was examined and  
testified as follows:

\* \* \*

EXAMINATION BY

MR. GRANDINETTE:

Q Please state your full name for  
the record.

A Edward Bienz.

Q What is your address?

[REDACTED]

MR. CLARKE: I don't know if we  
designated pages for confidentiality  
purposes, but I would ask that his  
home address remain confidential.

Q Good morning, Mr. Bienz.

A Good morning.

Q Sir, my name is Anthony  
Grandinette. I'm the attorney on behalf of  
Thomas Moroughan.

You understand you're here today  
pursuant to a court order to conduct your

Edward Bienz

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deposition pertaining to events that  
transpired on February 26th and 27th of  
2011 --

A Yes.

Q -- in addition to additional  
facts and circumstances related to those  
events that transpired after those dates?

A Yes.

Q Now, as you sit here today, are  
you in good physical health?

A Yes.

Q Have you failed to take any  
medication that you're supposed to take?

A No.

Q Have you taken medication that  
would adversely affect your ability to  
understand what is transpiring, today?

A No.

(Whereupon, Plaintiff's Exhibit  
120 for identification was so marked.)

Q I'm going to show you what has  
been marked as Plaintiff's Exhibit 120. It  
has -- it's the Second Amended Complaint in  
this action.



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Edward Bienz

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I'd ask you if you had an  
opportunity to look at that?

A (No response)

Q Have you had an opportunity to  
read Plaintiff's 120 prior to today's date?

A Yes.

Q You're here today with your  
attorney, Mr. Clarke, correct?

A Yes.

Q Are you satisfied that you  
understand the exact nature and the  
allegations in the civil complaint against  
you, specifically?

A Yes.

Q Without telling us -- I don't  
want to hear what you discussed with your  
attorney -- but, can you tell me whether or  
not you've had ample opportunity to discuss  
with Mr. Clarke the allegations against you  
that are contained in Plaintiff's  
Exhibit 120?

MR. SCHROEDER: Objection.

MR. CLARKE: Objection.

You can answer, over objection.



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Edward Bienz

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A Yes.

Q If at any time you need an opportunity to speak with Mr. Clarke, or you just want a break during the course of this deposition, please let me know. Okay?

A Yes.

Q The only ground rule for that is that if there is a pending question, I need you to answer that question, and then we can break. All right?

A Sure.

Q You also need to answer, orally, any question that I put forth to you. It's just like testifying on a witness stand. Nods of the head can't be transcribed by the reporter. Okay?

A Yes.

Q Now, when we go through the course of these questions today, if there's anything about my question that you don't understand, you promise that you'll ask me or tell me you don't understand it, and I'll rephrase it?

A Yes.

1 Edward Bienz 10

2 Q So before you give me an answer  
3 to a question, please make sure that you  
4 understand my question. Okay?

5 A No problem.

6 Q If you answer my question, sir,  
7 I'm going to assume that you understand.  
8 All right?

9 A Yes.

10 Q Now, where were you born and  
11 raised?

12 A I was born in Queens, and I was  
13 raised in Kings Park, New York.

14 Q Did you go to Kings Park  
15 elementary -- primary, elementary and high  
16 school?

17 A Yes.

18 Q When did you move out to Kings  
19 Park?

20 A I was born in Long Island Jewish  
21 Hospital, and I was raised for the whole  
22 time in Kings Park.

23 Q Your family is from Kings Park?

24 A Yes.

25 Q When you were born, your family

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Edward Bienz

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lived in Kings Park?

A Yes.

Q You gave an address today, in [REDACTED].

When did you move to [REDACTED]?

MR. CLARKE: Objection to the form of the question.

You mean that address or that town?

MR. GRANDINETTE: That address, [REDACTED].

A Approximately three years ago.

Q So that was after the events in this case?

A Yes.

Q What was the address that you were raised in in Kings Park?

A 122 First Avenue, Kings Park.

Q Were you living at 122 First Avenue in Kings Park on February 26, 2011?

A No.

Q Where were you living at that time?

A One Barley Place in Commack,

Edward Bienz

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New York.

Q When did you move from First Avenue to One Barley Place in Commack?

A Late 2008 -- spring of 2009, in that vicinity.

Q Was that the first place that you moved to when you left 122 First Avenue in Kings Park?

A Yes.

Q How long did you remain at One Barley Avenue -- I'm sorry -- one Barley Place in Commack before moving to [REDACTED] [REDACTED]?

A Until I purchased my house on

[REDACTED].

Q When was that, three years ago?

A Approximately three years ago.

Q So as you sit here today, you basically have had three addresses in your lifetime?

A Yes.

Q First Avenue address; you moved to One Barley Place in Commack in 2008-2009. And then approximately three years ago,

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Edward Bienz

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which would be sometime around 2013, you  
moved to [REDACTED]?

A Yes.

Q You own the home at [REDACTED]  
in [REDACTED], correct?

A Yes.

Q How about Barley Place? Did you  
rent?

A Yes.

Q Now, sir, are you married?

A Yes.

Q Your wife's name?

A Jillian Bienz.

Q Is that spelled J-I-L-L-I-A-N?

A Yes.

Q Her maiden name?

A Ferrara.

Q When did you get married?

A September of 2010.

Q Do you have any children?

A Yes.

Q Are those a result of your union  
with Jillian?

A Yes.

1 Edward Bienz 14

2 Q Did you have any children prior  
3 to marrying Jillian?

4 A No.

5 Q How many children do you have?

6 A Two.

7 Q Their ages?

8 A Three and one.

9 Q Did you have a child back on  
10 February 26, 2011?

11 A No.

12 Q By the way, as you sit here  
13 today, how old are you?

14 A Thirty.

15 Q How old were you back on  
16 February 26, 2011?

17 A Twenty-five.

18 Q Being born and raised in Kings  
19 Park, can you tell me, were you familiar  
20 with Huntington Village on February 26,  
21 2011?

22 A Yes.

23 Q Did you have occasion to go to  
24 Huntington Village and socialize; go to  
25 bars, restaurants, things of that nature?

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MR. CLARKE: Objection to the  
form of the question. No time frame.

In his entire life?

MR. GRANDINETTE: Of course.

Q You grew up in Kings Park,  
correct?

A Yes.

Q You said you're familiar with  
the Huntington Village area?

A Yes.

Q Did you have occasion, during  
the course of your lifetime prior to these  
events, to visit Huntington Village to dine  
and go to various bars with friends?

A Yes.

Q Approximately how many times  
would you say you were at Huntington Village  
prior to February 26, 2011, for purposes of  
socializing or going to a restaurant prior,  
to this date?

MR. CLARKE: Objection to the  
form of the question.

You're asking for an entire  
25 years time frame? Santa Claus,



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Edward Bienz

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department store, shoe shine, a haircut, slice of pizza, movies. What are you talking about? Did he go to the movies in the fourth grade?

MR. GRANDINETTE: Mr. Clarke, I appreciate -- is that an objection?

MR. CLARKE: Objection.

MR. GRANDINETTE: So your objection is noted.

Q Sir, do you not understand my question?

MR. CLARKE: It's a compound question. You're talking bars, restaurants and socializing. Socializing is a lot of things.

MR. GRANDINETTE: I note your exception.

Q Mr. Bienz, do you understand my question?

A Can you repeat it?

Q How many times have you been to Huntington Village, for any reason, prior to February 26, 2011?

A A few.

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Edward Bienz

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Q What does that mean?

A More than once.

Q Could it have been twice?

A Yes.

Q Could it have been three times?

A Yes.

Q Could it have been four times?

A Yes.

Q Could it have been than more  
than a hundred times?

A No.

Q Could it have been more than 50  
times?

A No.

MR. CLARKE: Objection to the  
form of the question.

Q No?

A No.

Q Could it have been more than 25  
times?

A Possibly.

Q So you knew where Huntington  
Village was, right?

A Yes.

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Edward Bienz

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Q You'd been there on at least 25  
or approximately 25 prior occasions, right?

A Yes.

Q Were you familiar, prior to  
February 26, 2011, with a bar/restaurant  
called the Blue Honu?

A No.

Q You didn't know that the Blue  
Honu existed on February 26, 2011, before  
going to Huntington Village?

MR. CLARKE: Objection to the  
form of the question.

You could answer.

A I had never been there before.

Q Did you know of its existence?

A Yes.

Q How about the Tavern?

A Yes.

Q How about the Artful Dodger?

MR. CLARKE: How about, in what  
sense?

MR. GRANDINETTE: Same question.

Your objection is noted.

Q If you don't understand my

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Edward Bienz

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question, remember, just ask me. Okay?

A Okay.

Q On February 26, 2011, prior to going to Huntington Village, were you aware there was a bar there called the Tavern?

A Yes.

Q Had you been there prior?

A Yes.

Q How many times prior?

A A few.

Q What is a few?

A Three to four times.

Q Prior to February 26, 2011, were you familiar with the bar called the Artful Dodger?

A No.

Q Now, on these prior occasions that you went to the Artful Dodger --

MR. CLARKE: Objection.

MR. GRANDINETTE: I'm sorry.

Q On the prior occasions that you went to Huntington Village, did you ever get lost going there?

A I don't recall.

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Edward Bienz

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Q Did you ever get lost going home from there?

A I don't recall.

Q So you can't identify a specific occasion, in those prior 25 times that you visited Huntington Village, getting lost, either on your way there or on your way home, correct?

A Yes.

Q Now, sir, are you familiar with the intersection of Jericho Turnpike and Route 110 in Huntington?

A Yes.

Q That intersection is really right next to the Huntington Walt Whitman Mall, correct?

MR. CLARKE: Objection to the form of the question.

A It's in close proximity.

Q Are you aware of what's on the corner of that intersection -- there's a gas station on one side, right, on the northwest corner, correct?

A Yes.

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Edward Bienz

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Q Then on the northeast corner  
there's that Snow Haus Ski House, right?

A Yes.

MR. CLARKE: Objection to the  
form of the question.

Q That's been there for years,  
right?

A I don't know.

Q Then on the opposite corner is a  
Pier I Imports, right?

A Might be.

Q Do you recall whether or not  
there's a Staples on the southwest corner of  
that intersection?

A No.

Q Sir, could you tell me  
approximately how many times since you  
received your driver's license you've driven  
through that intersection?

A A few.

Q What's a few?

A Ten to 15.

Q So in your lifetime you've  
driven through that intersection of Jericho

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Edward Bienz

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Turnpike and Route 110 fifteen times?

A Yes.

MR. MITCHELL: Objection.

Q Are you familiar with Route 110?

A Yes.

Q Would it be fair to say that  
Route 110, if you take it in the northbound  
direction from that intersection, will take  
you directly into Huntington Village,  
correct?

A Yes.

Q How many times have you taken  
that Route 110 into Huntington Village from  
the intersection of Jericho Turnpike?

A A few.

Q What's a few?

A Ten to 15 times.

Q Conversely, how many times have  
you driven from Huntington Village up 110,  
through the intersection or to the  
intersection of Jericho Turnpike?

A I don't know.

Q Approximately?

A Ten to 15 times, maybe.



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Edward Bienz

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Q So, in those 20 to 30 times driving that route, have you ever gotten lost, prior to February 26, 2011?

MR. CLARKE: Objection to the form of the question.

You can answer.

The hell with his phone. Answer the question.

A I don't recall.

Q So does that mean that you could have possibly gotten lost --

A Yes.

Q -- between those 20 or 30 times that you drove between Jericho Turnpike and Huntington Village?

A Yes.

Q On any of those occasions that you could have possibly been lost, were you drinking?

MR. CLARKE: Note my objection.

MR. SCHROEDER: Objection.

A No.

Q Do you have any relatives who are members of law enforcement, either

Edward Bienz

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presently or formerly?

A Yes.

Q Could you please tell me who they are?

A Currently or formerly?

Q Let's start with formerly.

A My father.

Q Your father's name?

A Arthur.

Q Same last name?

A Yes.

Q Where did he work?

A He retired from Manhattan Narcotics.

Q How long was he a police officer?

A Twenty years.

Q When did he retire?

A 2001.

Q Continuing with formers?

A He's currently a U.S. Customs Inspector, Federal.

Q Who else?

A My uncle, who is retired.

1 Edward Bienz 25

2 Q What's his name?

3 A Edward Bienz.

4 Q Who was he employed by?

5 A Suffolk County Police

6 Department.

7 Q When did he retire?

8 A 2006.

9 Q When he retired, what was his  
10 position?

11 A Deputy inspector.

12 Q Who else?

13 A That's all, for retired.

14 Q How about current?

15 A My brother, Andrew Bienz,  
16 New York City Police Officer.

17 MR. SCHROEDER: What was the  
18 first name?

19 THE WITNESS: Andrew.

20 Q When did he start with the NYPD?

21 A 2009.

22 Q Is he older or younger, by the  
23 way?

24 A Younger.

25 Q Who else?

1 Edward Bienz 26

2 A That's about it.

3 Q You have a cousin, Chris Bienz.  
4 Is he in law enforcement in any  
5 way?

6 A No.

7 Q Can you describe for me your  
8 relationship with your uncle?

9 A Which one?

10 Q Ed.

11 A My Uncle Ed?

12 Q Yes.

13 MR. CLARKE: Note my objection.  
14 You can answer.

15 A He is my dad's older brother. I  
16 see him a few times a year at family  
17 functions.

18 Q How would you describe your  
19 relationship?

20 A Normal.

21 Q Where does your uncle live?

22 A He splits his time between  
23 Ronkonkoma and Florida.

24 Q Growing up, where did your uncle  
25 reside? When you were growing up on First

1 Edward Bienz 27

2 Avenue, where did Ed Bienz and his family  
3 live?

4 A Ronkonkoma.

5 Q Does he have children?

6 A Yes.

7 Q How many children does he have?

8 A Two.

9 Q Chris and who else? Does he  
10 have a son, Chris?

11 A No.

12 Q What are the names of his  
13 children?

14 A C [REDACTED] -- or C [REDACTED] -- and  
15 K [REDACTED].

16 Q Were you close with them?

17 A No. Much older than me.

18 Q To your knowledge, as you sit  
19 here today, any of the members of the Nassau  
20 County or Suffolk County Police Departments  
21 that were involved in the case of Thomas  
22 Moroughan; did they know your uncle, Ed  
23 Bienz?

24 MR. CLARKE: Objection.

25 You can answer.

1 Edward Bienz 28

2 A Yes.

3 Q Can you tell me which people  
4 that were involved in this case knew your  
5 uncle?

6 MR. MITCHELL: Object to the  
7 form.

8 A The DA's investigator.

9 Q Mr. Palumbo?

10 A Yes.

11 Q When did you find that out?

12 A Probably about a month after the  
13 incident.

14 Q How did you find that out?

15 A He called to ask me to come into  
16 an interview, and he had told me he worked  
17 with my uncle.

18 I referred him to speak to my  
19 attorney.

20 Q Did he say how long he worked  
21 with your uncle?

22 A No.

23 Q If you could take a quick look  
24 at Plaintiff's 120 -- just the caption.

25 I'd ask you to go through that,

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one name at a time, and let me know who you knew on that caption, and then just briefly describe the relationship with that party.

MR. SCHROEDER: He knew when?

MR. GRANDINETTE: We'll get to that.

Q If you know anybody, let me know.

MR. CLARKE: So the question is, if he knows them?

MR. GRANDINETTE: Yes.

Q I'd like you to go through the caption. Let me know if you get to a name that you recognize or know.

MR. CLARKE: So now it's recognize.

MR. GRANDINETTE: Is that an objection?

MR. CLARKE: You've asked three different questions.

It is an objection, because it's vague.

MR. GRANDINETTE: Let me just say this to you, Mr. Clarke.



1 Edward Bienz 30

2 I've expressed to your client  
3 twice, now, if he doesn't understand a  
4 question, he can let me know.

5 MR. CLARKE: Correct.

6 And if you ask an improper  
7 question, I'm going to let you know.

8 MR. GRANDINETTE: You objected,  
9 and that's how you do it. You say  
10 objection.

11 MR. CLARKE: Mr. Grandinette,  
12 that's what I've done.

13 I'm asking you to clarify the  
14 record. You asked him if he knows  
15 them. And then you asked if he  
16 recognized them. That's not the same  
17 question.

18 Q Mr. Bienz, what I want you to do  
19 is go through the caption, one name at a  
20 time.

21 A Okay.

22 Q Let me know if you recognize a  
23 name in the caption.

24 A In what context?

25 Q Whether or not you know the

Edward Bienz

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person.

A Just know him at all?

Q Doesn't have to be personally.  
Work relationship. Do you recognize the  
name.

MR. CLARKE: Objection to form.

MR. SCHROEDER: Objection.

A Yes.

Q So who's the first person that  
had you recognize?

A Ronald Tavares.

Q How do you know Ronald Tavares?

MR. CLARKE: Objection to the  
form. You asked him if he recognized  
the name, not if he knew him.

Q How do you recognize Ronald  
Tavares?

A I've seen his name in  
newspapers.

Q Did you have any personal  
relationship with Ronald Tavares prior to  
February 27, 2011?

A No.

Q Please continue.

1 Edward Bienz 32

2 A Sergeant Timothy Marinaci.

3 Q How do you know Sergeant Timothy  
4 Marinaci?

5 A He is a supervisor assigned to  
6 the Third Precinct.

7 Q Can you tell me whether or not  
8 he was ever your supervisor?

9 A In what capacity.

10 Q In any capacity?

11 A Yes.

12 Q For how long was he your  
13 supervisor prior to February 27, 2011?

14 A Well, when you're assigned to  
15 patrol, supervisors are assigned zones. And  
16 each zone has certain number of cars. So  
17 when I was assigned to a certain car, if he  
18 was the supervisor for that zone for that  
19 night, he technically was my supervisor who  
20 was responsible for me.

21 Q Let me ask you this.

22 A Never my direct squad  
23 supervisor, but in the context of a working  
24 environment, while assigned to patrol, if he  
25 was in my precinct where I was assigned, if

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Edward Bienz

33

I request a supervisor, he was the supervisor, he would respond.

Q Thank you for that explanation.

How long did you and he work at the Third Precinct together prior to the date of February 27, 2011?

MR. CLARKE: Objection to the form of the question, to the extent of together.

A I would say probably assigned there approximately one year.

Q Might have been assigned to the same Precinct for approximately one year?

A Yes, he would have been assigned to the Precinct one year.

Q Anybody else?

A Deputy Chief Patrol John Hunter.

Q How did you know Chief Hunter?

A Member of the Police Department.

Q Did you have any relationship with him at all prior to February 27th, 2011?

A No.

Q Did you ever meet him, socialize

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Edward Bienz

34

with him --

A No.

Q -- prior to is that date?

A No.

Q Did you know who he was? Would  
you recognize him?

MR. CLARKE: At what point?

Q On February 27, 2011?

A No.

Q Now, with respect to Sergeant  
Marinaci, you would recognize him if you saw  
him, right?

A Yes.

Q How would you describe your  
relationship with Sergeant Marinaci?

A Normal typical supervisor/  
employee relationship.

Q Okay. Cordial?

A Yes.

Q Professional?

A Yes.

Q You got along with each other?

A Yes.

Q You ever have any issues with

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Edward Bienz

35

him, or did he ever have any issues with  
you --

MR. SCHROEDER: Objection to  
form.

A No.

Q -- in a professional context?

A No.

Q Please continue?

A Daniel Flanagan.

Q How do you recognize that name?

A He is a member of the Nassau  
County Police Department.

Q Did you know him personally  
prior to that date?

A No.

Q Would you recognize him if you  
saw him on February 27, 2011?

A Yes.

Q Did you ever speak to him,  
socialize with him, prior to February 27,  
2011?

A No.

Q How is it that you recognize  
him, then?



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Edward Bienz

36

A He is a member of the department, and at one point they had his picture on the wall.

Q Where was his picture?

A Police academy.

Q That's where you would recognize his photograph from?

A Yes.

Q Did you know him to be the Captain or a superior officer at the police academy on February 27, 2011?

MR. SCHROEDER: Objection to form.

A I don't know where he was assigned at that point.

Q Please continue.

A Detective Sergeant John De Martinez.

Q How did you know him?

A I know the name, that he is an employee of the Nassau County Police Department.

Q Would you recognize him if you saw him on February 27, 2011?



1 Edward Bienz 37

2 A No.

3 Q Did you have any kind of  
4 relationship with him?

5 A No.

6 Q Next?

7 A Police officer Anthony  
8 DiLeonardo.

9 Q We're going to come back to  
10 Mr. DiLeonardo.

11 Next?

12 A There's nobody else.

13 Q Now, as of January 26th, 2011,  
14 how long did you know Anthony DiLeonardo?

15 A February 26, 2011?

16 MR. CLARKE: Restate the  
17 question.

18 Q As of February 26th, 2011, how  
19 long did you know Anthony DiLeonardo?

20 A Approximately one year.

21 Q Where did you meet?

22 A He was assigned to the Third  
23 Precinct.

24 Q After his assignment to the  
25 Third Precinct -- I'm assuming you were

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Edward Bienz

38

already assigned to the Third?

A Yes.

Q You were there first, then he came on Board?

A Yes.

Q During the course of that year, did you ever work together?

A Yes.

Q What part of that year did you work together?

A I don't know.

Q Approximately?

A Approximately 6 to 8 months.

Q During the course of that six to eight months, was that assignment immediately prior to February 27, 2011, or were you assigned together for six to eight months, and then reassigned to another partner prior to February 27, 2011? You understand the difference?

MR. CLARKE: Objection to the form.

A No, not really.

Q Going back six to eight months

1 Edward Bienz 39

2 from February 27, 2011, was Anthony  
3 DiLeonardo your partner?

4 A We were assigned adjoining  
5 posts.

6 Q During the course of your  
7 assignment with Anthony DiLeonardo, did you  
8 become friends?

9 A Well, I wasn't assigned partners  
10 with Anthony DiLeonardo. We were assigned  
11 adjoining posts. We had different working  
12 charts, so we didn't work every tour  
13 together.

14 Q During the eight months or  
15 six months that you were assigned adjoining  
16 posts, how many tours would you say you  
17 worked together?

18 A Approximately six to seven.

19 Q Six or seven tours together,  
20 over the course of the eight months?

21 MR. SCHROEDER: Objection to  
22 form.

23 A A month.

24 Q So if it was seven times a  
25 month, how many hours in that seven -- or

1 Edward Bienz 40

2 how many hours per assignment, per month?

3 MR. CLARKE: Objection to the  
4 form of the question. Vague.

5 A How many hours per month?  
6 Seven hours -- seven days times 12 hours.

7 Q So we're talking about  
8 approximately 84 hours a month?

9 A Approximately.

10 Q During the course of your  
11 assignment together with Anthony DiLeonardo,  
12 I'm sure you had to engage in various law  
13 enforcement activity?

14 A Yes.

15 MR. SCHROEDER: Objection.

16 A Yes.

17 Q Did you spend time together in a  
18 radio patrol car with him?

19 A Yes.

20 Q Did you spend time with him  
21 making arrests together?

22 A Yes.

23 Q Processing arrestees?

24 A Yes.

25 Q Completing paperwork?

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Edward Bienz

41

A Yes.

Q Going to court?

A Yes.

Q During the course of those professional duties, did you become friends with Anthony DiLeonardo?

A Yes.

Q Did you share personal stories during the course of your 12-hour tours from time to time?

MR. CLARKE: Objection to the form.

You can answer.

A Yes.

Q Did you discuss and share, you know, personal histories or personal matters with Mr. DiLeonardo?

A Yes.

Q So for example, he learned that you were married, right?

A Yes.

Q And he would tell you -- did he tell you personal information about his personal life?

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Edward Bienz

42

A Yes.

Q Who his girlfriend was, what he was doing on the weekend, who his favorite football team was, things of that nature?

A Yes.

Q So, did you also know, for example, that he worked for the NYPD --

A Yes.

Q -- prior to becoming a member of the Nassau County Police Department?

A Yes.

Q Did you ever share with Anthony DiLeonardo, any personal drinking stories?

A No.

MR. SCHROEDER: Objection.

Q Did Anthony DiLeonardo ever share with you, any personal drinking stories?

A No.

Q Like went out Friday, got bombed, had a blast; anything like that?

MR. CLARKE: Objection.

You can answer.

A I'm not really sure what



1 Edward Bienz 43

2 you're -- are you asking me if he was  
3 telling me stories about getting bombed, or  
4 him going out to dinner, or something to  
5 that effect, of where he consumed alcohol?

6 Q Yes, stories about consuming  
7 alcohol. Got together, had a party. People  
8 came over, got drunk, things of that nature.

9 Did you ever share personal  
10 stories like that, that involved alcohol or  
11 drinking?

12 MR. SCHROEDER: Objection.

13 MR. CLARKE: Objection.

14 You can answer, over objection.

15 A I mean, yes. He told me -- if  
16 he went out to dinner with somebody, or this  
17 was a nice restaurant, or they had -- you  
18 know, I had people over, things of that  
19 nature.

20 Q Based upon your communications  
21 with Anthony DiLeonardo over the course of  
22 the six to eight months prior to  
23 February 26th, can you tell me how often  
24 Anthony DiLeonardo may have consumed alcohol  
25 on a daily basis?



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Edward Bienz

44

A No.

Q Weekly basis?

A No.

Q Monthly basis?

A No.

Q During the course of those eight months prior to February 26, 2011, can you tell me how many stories he may have communicated to you, if any, that he drank to a point of intoxication?

A No.

Q Did he ever, since the date you met him, up to February 26th, 2011, ever communicate a story to you that he had been intoxicated?

A No.

Q So as of February 26, 2011, Anthony DiLeonardo never conveyed one story to you, at any point in his lifetime, that he had ever gotten drunk?

MR. CLARKE: Asked and answered.

You can answer it again.

A Not that I recall.

Q Now, with respect to your